

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND

THE HON'BLE MR.JUSTICE M. VENUGOPAL

W.P.No.1887 of 2016

and

WMP Nos. 1666 & 1667 of 2016

Sri Balaji Vidyapeeth (Deemed University)
rep. By its Registrar,
Puduvai-Cuddalore Main Road,
Pillaiyarkuppam,
Puducherry 607 403.

... Petitioner

Vs

1. The District Collector,
Puducherry.
2. The Deputy Collector (Revenue) South,
Government of Puducherry, Villianur,
Puducherry.
3. The Senior Superintendent of Police (Rural),
Thavalakuppam, Puducherry.
4. The Inspector of Police,
Bahour Circle, Puducherry.
5. The Station House Officer,
Kirumambakkam Police Station,
Kirumambakkam, Puducherry.
6. The Executive Engineer,
National Highways, Puducherry.
7. Bahour Commune Panchayat
Rep by its Commissioner,
Bahour, Puducherry.
8. Tholkappiar Lanch Ozhippu
Iyakkam Rep. by its General Secretary,
330 Sixth Cross Street, Kurumbapet,
Puducherry- 605 009.

9. Thiru.G.Rajaraman,
General Secretary
Tholkappiar Lancha Ozhippu Iyakkam,
330 Sixth Cross Street,
Kurumbapet, Puducherry-605 009.

10. Mahatma Gandhi Auto Drivers
Welfare Association
Rep. by its President,
Pillaiyarkuppam, Kirumambakkam,
Puducherry- 607 403.

... Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus directing the respondents 1 to 7 to consider the representations dated 28.10.2015 and 20.11.2015 submitted by Mahatma Gandhi Medical College and Research Institute affiliated to the petitioner University for removing all the encroachments obstructing free ingress and egress to the entry to the medical institutions of the petitioner University and the ATM.

For Petitioner : Mr. K. Doraisamy
Senior Counsel
for
M/s. Muthumani Doraisamy

For Respondents : Mr. M. Govindaraj
Govt. Pleader (Puducherry) - R1 to R5
No Appearance - R6 & R7
Mr. Prakash Adiapadam - R8 to R10

ORDER

(Order of the Court was delivered by SATISH K. AGNIHOTRI, J.,)

Heard the learned Senior Counsel appearing for the petitioner and the learned Government Pleader (Puducherry) appearing for the official respondents 1 to 5 and the learned counsel for the respondents respondents 8 to 10. Despite service of notice on respondents 6 and 7, none appeared for them nor was any representation made on their behalf. Thus, with the consent of the learned counsel for the petitioner, learned Government Pleader appearing for respondents 1 to 5 and the learned counsel for respondents 8 to 10, this writ petition is taken up for final disposal.

2. This writ petition is filed seeking a writ of mandamus directing the respondents 1 to 7 to consider the representations dated 28.10.2015 and 20.11.2015 submitted by Mahatma Gandhi Medical College and Research Institute, affiliated to the petitioner University for removing all the encroachments obstructing free ingress and egress to the entry to the medical institutions of the petitioner University and the ATM.

3. The petitioner/an educational institution, running medical and dental colleges, has filed this petition seeking a direction to the officials respondents to remove the encroachers impleaded herein as private respondents. It is submitted by the learned Senior Counsel that sufficient space is available 200 meters away for relocating the encroachers, which will not cause any nuisance or obstruction. The allegation of the petitioner is that the encroachers are causing nuisance by passing unwanted comments about the students, particularly girl students.

4. Learned Government Pleader appearing for the official respondents submits that the petitioner's representations dated 28th October 2015 and 20th November, 2015, will be examined after issuing notice to the alleged encroachers and banners have already been removed.

5. In such view of the matter, without making any observation on the merits of the case, we direct the official respondents to consider the petitioner's representations dated 28th October 2015 and 20th November, 2015, after affording opportunity of hearing to the alleged encroachers, including the respondents 8 to 10 and take consequential decision/action on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ra.

To

1. The District Collector,
Puducherry.
2. The Deputy Collector (Revenue) South,
Government of Puducherry, Villianur,
Puducherry.
3. The Senior Superintendent of Police (Rural),
Thavalakuppam, Puducherry.
4. The Inspector of Police,
Bahour Circle, Puducherry.
5. The Station House Officer,
Kirumambakkam Police Station,
Kirumambakkam, Puducherry.
6. The Executive Engineer,
National Highways, Puducherry.
7. The Commissioner,
Bahour Commune Panchayat
Bahour, Puducherry.

+1cc to Mr.Muthumani Doraisamy, Advocate, S.R.No.16116
+1cc to Mr.Prakash Adiapadam, Advocate, S.R.No.16263
+1cc to the Government Pleader, S.R.No.16251

W.P. No.1887 of 2016

AD(CO)
CA(18/03/2016)

सत्यमेव जयते

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